1651

DEL 0.5 MINE STANDENERS

Docket No. J&J 2065

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Prouty, S.M. et al.

Serial No.: 10/016,725

Art Unit: 1651

Filed

: October 30, 2001

Examiner: Not yet assigned

For

: STEAROYL-COA DESATURASE GENE PROMOTER

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Washington, D.C. 20231 on

DEC 0 5 2002 TECH CENTER 1600/2900

November 26, 2002
(Date of Deposit)

William E. McGowan

(Name of applicant, assignee, or Registered Representative)

(Signature

November 26, 2002

Commissioner for Patents Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §\$1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

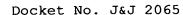
In accordance with §1.97(b), since this Information \boxtimes Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under \$1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in \$1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under \$1.114, no additional fee is required. In accordance with \$1.129(a), this Information П Disclosure Statement is being filed in connection with \square the first or _second After Final Submission, therefore: Statement in Accordance with \$1.97(e) (attached); or Please charge Deposit Account No. 10-П 0750/ / the fee of \$180.00 as set forth in \$1.17(p). In accordance with \$1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under \$1.113 or a Notice of Allowance under \$1.311, or an action that otherwise closes prosecution and that it is accompanied by one of: Statement in Accordance with \$1.97(e) (attached); \Box

- 2 -

or

I	Please charge Deposit Account No. 10- $0750/$ / the fee of \$180.00 as set forth in \$1.17(p).
Disclosure either a Fi under \$1.3 Applicant(s Information Accordance	In accordance with \$1.97(d), this Information Statement is being filed after the mailing date of inal Action under \$1.113 or a Notice of Allowance 311 but before the payment of the Issue Fee. (a) hereby petition(s) for consideration of this (b) Disclosure Statement. Included are: Statement in (with \$1.97(e) as set forth below and the fee of (set forth in \$1.17(p).)
43	Copies of each of the references listed on the orm PTO-1449 are enclosed herewith.
	Copies of references listed on the attached Form PTO-nclosed herewith EXCEPT THAT:
,	In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
	If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.
⊠ English la	There are no listed references which are not in the nguage.
in the Eng	The relevance of those listed references which are not lish language is as follows:

Attached are copies of search report(s) from \boxtimes corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D. Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/J&J2065/WEM. This form is submitted in triplicate. Respectfully submitted, William E. McGowan Reg. No. 39301 Attorney for Applicants Johnson & Johnson One Johnson & Johnson Plaza New Brunswick, NJ 08933-7003 (732) 524-2197 DATED: November 26, 2002





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STATEMENT UNDER 37 C.F.R. §1.97(e)

In accordance with 37 C.F.R. \$1.97(e), certification is hereby made that:

Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement; or

	No item of information contained in the Information
Disclosure	Statement was cited in a communication from a foreign
patent offi	ice, in a counterpart foreign application, and, to the
knowledge o	of the undersigned after making reasonable inquiry, no item

of information contained in this Information Disclosure Statement, was known to any individual designated in \$1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

William E. McGowan

Reg. No. 39301

Attorney for Applicants

Johnson & Johnson One Johnson & Johnson Plaza New Brunswick, NJ 08933-7003 (732) 524-2197 DATED: November 26, 2002